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7 Attorneys for Plaintiffs  
8 SARAH SNOW, LOUIS SALLERSON,  
9 ERIC KNUDSEN, and IT IS NO DREAM  
10 ENTERTAINMENT, LLC

11 UNITED STATES DISTRICT COURT  
12  
13 CENTRAL DISTRICT OF CALIFORNIA  
14

15 SARAH SNOW, an individual,  
16 LOUIS SALLERSON, an individual,  
17 ERIC KNUDSEN, an individual, and  
18 IT IS NO DREAM ENTERTAINMENT,  
19 LLC, a California limited liability  
20 company,

21 Plaintiffs,

22 vs.

23 SPENCER GIFTS LLC, a Delaware  
24 limited liability company, SPIRIT  
25 HALLOWEEN SUPERSTORES LLC, a  
26 Delaware limited liability company, and  
27 DOES 1 through 10, inclusive,  
28

Defendants.

Case No. 14-1268 PA MRW  
COMPLAINT FOR VIOLATION OF  
COPYRIGHT AND LANHAM  
ACTS; DEMAND FOR JURY  
TRIAL

FILED  
2014 FEB 19 PM 2:38  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

As and for their complaint herein, plaintiffs Sarah Snow, Louis Sallerson, Eric Knudsen and It Is No Dream Entertainment, LLC ("IINDE") (collectively, "Plaintiffs") allege as follows against defendants Spencer Gifts LLC ("Spencer") and Spirit Halloween Superstores LLC ("Spirit") (collectively, "Defendants").

**Introduction**

1  
2 1. This case arises from Defendants' infringement of Plaintiffs' rights of  
3 copyright and trademark in their highly distinctive and well delineated graphic  
4 character known as "Slender Man" (also referred to as the "Character").  
5 Defendants willfully violated Plaintiffs' known rights in Slender Man after  
6 attempting, but failing, to negotiate a license acceptable to Plaintiffs for the use,  
7 reproduction and distribution of the Character in the form of a Halloween costume.

**Jurisdiction and Venue**

8  
9 2. This Court has subject matter jurisdiction over this action pursuant to  
10 28 U.S.C. §§ 1331 and 1338, in that this case arises under the Copyright Act of  
11 1976, as amended, 17 U.S.C. §§ 101 *et seq.*, and the U.S. Trademark Act, also  
12 known as the Lanham Act, 15 U.S.C. §§ 1051 *et seq.*

13 3. This Court has personal jurisdiction over each Defendant in that each  
14 has sufficient contacts with the forum state to satisfy Fed. R. Civ. P. 4, Cal. Code  
15 Civ. Proc. § 410.10, U.S. Const. Amdmt. V and *International Shoe Co. v. State of*  
16 *Washington*, 326 U.S. 310, 316 (1945). Among other things, Plaintiff is informed  
17 and believes and on that basis alleges that defendant Spencer operates over fifty  
18 retail stores in the state of California, and that defendant Spirit sells from Spencer  
19 and/or other retail locations throughout California on a seasonal basis.

20 4. Venue is proper in this judicial district pursuant to 28 U.S.C. §§  
21 1391(b) and 1400(a), as a substantial part of the events giving rise to this action  
22 occurred, and each Defendant does business and can be found, including through  
23 dozens of retail locations, within this district.

**The Parties**

24  
25 5. Plaintiff Snow is an individual who resides in this judicial district in  
26 the state of California.

27 6. Plaintiff Sallerson is an individual who resides in this judicial district  
28 in the state of California.

1           7.     Plaintiff Knudsen is an individual who resides in the state of North  
2     Carolina.

3           8.     Plaintiff IINDE is a limited liability company organized and existing  
4     under the laws of the state of California, and has its principal place of business in  
5     this judicial district.

6           9.     Defendant Spencer is a limited liability company organized and  
7     existing under the laws of the state of Delaware, has its principal place of business  
8     in the state of New Jersey, and regularly conducts business in the state of California  
9     and in this judicial district. Plaintiffs are informed and believe and on that basis  
10    allege that Spencer owns Spirit and committed the acts complained of herein itself  
11    or through Spirit as an entity or under the "Spirit Halloween" name as a division or  
12    brand within Spencer.

13          10.    Defendant Spirit is a limited liability company organized and existing  
14    under the laws of the state of Delaware, has its principal place of business in the  
15    state of New Jersey, and regularly conducts business in the state of California and  
16    in this judicial district. Plaintiffs are informed and believe and on that basis allege  
17    that Spirit sells Halloween costumes, accessories, decorations and party goods  
18    throughout the year on its website at <http://www.spirithalloween.com>, and on a  
19    seasonal basis each year from approximately early September through early  
20    November in over a thousand retail locations throughout the United States and  
21    Canada, including in California.

22          11.    Plaintiffs do not know the true names of the defendants sued herein as  
23    Does 1 through 10, inclusive, and therefore sue these parties by such fictitious  
24    names. Plaintiffs are informed and believe and on that basis allege that such parties  
25    were in some manner responsible for some or all of the activities referenced herein,  
26    and will seek leave to amend their pleading if and when the true identity of any of  
27    these parties becomes known.  
28

1           12. Plaintiffs are informed and believe and on that basis allege that each  
2 and every one of the Defendants herein, including without limitation Does 1  
3 through 10, inclusive, is the principal or agent, or has otherwise acted in concert  
4 with or under the direction or control of, each of the other Defendants, and/or is the  
5 alter ego of each of the other Defendants, such that adherence to the fiction of the  
6 separate existence of any of them would work unjustly to deprive Plaintiffs of the  
7 full rights and remedies they otherwise would have against each of the Defendants.  
8 Accordingly, the acts of each and every one of the Defendants, including without  
9 limitation Does 1 through 10, inclusive, constitute the acts of each and every other  
10 Defendant, making each liable, jointly, severally or otherwise, for all damages and  
11 other harm caused to Plaintiffs as alleged herein. As such, reference to any one  
12 defendant shall be deemed to also include all Defendants, including without  
13 limitation Does 1 through 10, inclusive.

14                   **Factual Allegations Common to All Claims for Relief**

15           13. Using the pseudonym Victor Surge, Knudsen created Slender Man, a  
16 thin, abnormally tall human-like character with no facial features, elongated limbs,  
17 in a dark suit with a white shirt and a thin, dark tie, among other unique delineated  
18 features, and at times with tentacles. Knudsen placed Slender Man in two black  
19 and white photos posted on the website <http://www.somethingawful.com> in June  
20 2009, adding captions, giving the Character its name and associating it with  
21 unexplained and macabre events. Knudsen created other images of the Character at  
22 around the same time, and on January 11, 2010, obtained copyright registration  
23 TXu001664954 in text and artwork depicting Slender Man.

24           14. Since its creation, the Character has become an Internet and horror  
25 genre phenomenon. To capitalize on Slender Man's immense popularity, Snow and  
26 Sallerson acquired from Knudsen the exclusive motion picture, television and allied  
27 and ancillary rights, including merchandising, in the Character and all of its plots,  
28 themes, characters and designs (the "Rights"). Snow and Sallerson thereafter

1 formed IINDE, through which they exploit the Rights. Their efforts have led,  
2 among other things, to works and products developed under license and authority  
3 from Plaintiffs, including a video game entitled "Slender: The Arrival," in current  
4 distribution at <http://slenderarrival.com>, and a music video by the band P.O.D.

5 15. In late June 2013, Snow and Sallerson approached Spirit regarding the  
6 possibility of exploiting Slender Man in the form of a Halloween costume. They  
7 explained to Spirit that they held the Rights from Knudsen as the copyright owner,  
8 and proposed to work with Spirit to produce a costume of the Character. A few  
9 days thereafter, Snow and Sallerson had a conference call with Spirit executives,  
10 including its general counsel, and submitted suggested costume designs by email to  
11 Spirit shortly after that.

12 16. During July 2013, Snow and Sallerson attempted to negotiate a license  
13 for Spirit to produce and distribute a Slender Man Halloween costume, but the  
14 parties could not agree upon terms. Plaintiffs then learned shortly before October  
15 31, 2013 that Spirit was marketing a Halloween costume called "Stalker Man," and  
16 an inflatable "Bloody Slender Man" Halloween decoration. These products, and  
17 others of which Plaintiffs may not be aware (collectively, "Products"), copy the  
18 protected Slender Man Character without permission, including from the designs  
19 that Snow and Sallerson had offered in July but ultimately did not authorize.

20 17. Plaintiffs are informed and believe that the Slender Man costume was  
21 among the most popular for Halloween 2013, and that all Defendants did and  
22 continue to offer or aid and abet in offering it and other Products for sale to the  
23 public at physical locations and by online means. Plaintiffs bring this action to  
24 recover damages and profits from, and to enjoin, such infringements of their Rights.



**FIRST CLAIM FOR RELIEF**

For Copyright Infringement

(Against All Defendants)

18. Plaintiffs refer to and incorporate each and every allegation set forth in paragraphs 1 through 17, inclusive, as if restated in full in this paragraph.

19. Plaintiffs own and control a valid and subsisting registered copyright in and to the Character. As such, they have the exclusive rights conferred by 17 U.S.C. § 106, including to reproduce, distribute and create derivative works based upon Slender Man.

20. Defendants have reproduced, distributed and created derivative works based upon Slender Man without authorization from Plaintiffs. As such, Defendants have infringed Plaintiffs' exclusive rights of copyright in the Character.

21. Plaintiffs have suffered damages according to proof from Defendants' infringement of copyright. Pursuant to 17 U.S.C. § 504, Plaintiffs have the right to recover: (i) their actual damages plus any and all profits of Defendants attributable to the infringement and not included in actual damages, collectively believed to exceed \$150,000; or, (ii) alternatively, and at Plaintiffs' sole election at any time before final judgment is rendered, statutory damages in an amount of up to \$150,000 for Defendants' willful infringement of copyright.

22. Plaintiffs are further entitled, pursuant to 17 U.S.C. § 502, to orders temporarily restraining and preliminarily and permanently enjoining Defendants from infringing Plaintiffs' exclusive rights of copyright.

23. Plaintiffs are also entitled, pursuant to 17 U.S.C. § 503, to an order impounding all costumes, decorations and other goods, works and Products that constitute or embody copies of the Character or any protectable elements thereof, and all plates, molds, matrices, masters, tapes, film negatives, or other articles by means of which such copies may be reproduced.

1           24. Plaintiffs additionally have the right, pursuant to 17 U.S.C. § 505, to  
2 recover their full costs of suit, including reasonable attorneys' fees, subject to proof.

3                                   **SECOND CLAIM FOR RELIEF**

4                                   For Violation of Lanham Act Section 43(a)

5                                   (Against All Defendants)

6           25. Plaintiffs refer to and incorporate each and every allegation set forth in  
7 paragraphs 1 through 17, inclusive, as if restated in full in this paragraph.

8           26. From Knudsen's creation and naming of the Character in June 2009,  
9 and since that time by virtue of Plaintiffs' use of the name and depiction of the  
10 Character in commerce, the term "Slender Man" and the appearance of the  
11 Character have come to identify Plaintiffs as the source thereof.

12           27. Defendants' unauthorized promotion, offer and sale of Products using  
13 the identical or confusingly similar image and name of the Character is likely to  
14 deceive or cause confusion or mistake as to the affiliation, connection or association  
15 of Defendants and Plaintiffs and/or the origin, sponsorship or approval of the  
16 Products, in violation of Lanham Act section 43(a), 15 U.S.C. § 1125(a).

17           28. Defendants' violation of Lanham Act section 43(a) entitles Plaintiffs,  
18 pursuant to 15 U.S.C. § 1117(a), to recover Defendants' profits from such violation  
19 in addition to other damages suffered by Plaintiffs, all in an amount subject to  
20 proof, as well as Plaintiffs' costs of suit and, if and to the extent the Court finds this  
21 an "exceptional case," the attorneys' fees reasonably incurred by Plaintiffs.

22           29. Plaintiffs are further entitled, pursuant to 15 U.S.C. § 1116(a), to  
23 orders temporarily restraining and preliminarily and permanently enjoining  
24 Defendants from continuing to promote, offer and sell Products in violation of  
25 Lanham Act section 43(a), 15 U.S.C. § 1125(a).

26           30. Plaintiffs are also entitled, pursuant to 15 U.S.C. § 1118, to an order  
27 that Defendants deliver for destruction all costumes, decorations and other goods,  
28 works and Products that use the image or name of the Character or any term or

1 depiction confusingly similar thereto, and all plates, molds, matrices and other  
2 means of making the same.

3 **PRAYER**

4 WHEREFORE, Plaintiffs pray for judgment as follows:

5 A. For actual damages suffered by Plaintiffs as a consequence of  
6 Defendants' violations of the Copyright and Lanham Acts, according to proof;

7 B. For profits obtained by Defendants as a consequence of their  
8 violations of the Copyright and Lanham Acts, according to proof;

9 C. On the First Claim for Relief only, and in the alternative to the  
10 remedies sought in Prayer A and B above as to that Claim only, and at Plaintiffs'  
11 sole election at any time prior to entry of judgment, for statutory damages in an  
12 amount of up to \$150,000 pursuant to 17 U.S.C. § 504(c);

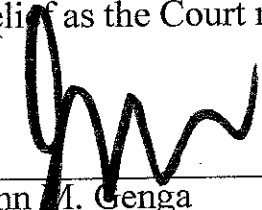
13 D. For injunctive relief preventing further violations of the  
14 Copyright and Lanham Acts by Defendants and those acting in concert with them  
15 or at their direction or control;

16 E. For delivery, impoundment and destruction of all goods, works  
17 and Products in the hands of Defendants, and those acting in concert with them or  
18 at their direction or control, that violate the Copyright or Lanham Acts;

19 F. For costs of suit herein incurred, including reasonable attorneys'  
20 fees; and

21 G. For such other and further relief as the Court may deem just and  
22 proper.

23 DATED: February 18, 2014

24 By:   
25 John M. Genga  
26 GENG & ASSOCIATES, P.C.  
27 Attorneys for Plaintiffs  
28 ERIC KNUDSEN, SARAH SNOW,  
LOUIS SALLERSON and IT IS NO  
DREAM ENTERTAINMENT, LLC



**DEMAND FOR JURY TRIAL**

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs hereby demand  
a trial by jury on all issues so triable.

DATED: February 18, 2014

By: 

John M. Genga  
GENGA & ASSOCIATES, P.C.  
Attorneys for Plaintiffs  
ERIC KNUDSEN, SARAH SNOW,  
LOUIS SALLERSON and IT IS NO  
DREAM ENTERTAINMENT, LLC

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Percy Anderson and the assigned Magistrate Judge is Michael R. Wilner.

The case number on all documents filed with the Court should read as follows:

2:14-cv-01268 PA-MRWx

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

February 19, 2014

Date

By SBOURGEOIS  
Deputy Clerk

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NOTICE TO COUNSEL

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

**Subsequent documents must be filed at the following location:**

☒ Western Division  
312 N. Spring Street, G-8  
Los Angeles, CA 90012

☐ Southern Division  
411 West Fourth St., Ste 1053  
Santa Ana, CA 92701

☐ Eastern Division  
3470 Twelfth Street, Room 134  
Riverside, CA 92501

**Failure to file at the proper location will result in your documents being returned to you.**

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

**I. (a) PLAINTIFFS** ( Check box if you are representing yourself ☐ )

Sarah Snow, Louis Sallerson, Eric Knudsen and  
 It Is No Dream Entertainment, LLC

**DEFENDANTS** ( Check box if you are representing yourself ☐ )

Spencer Gifts LLC and Spirit Halloween Superstores LLC

(b) County of Residence of First Listed Plaintiff Los Angeles  
 (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant \_\_\_\_\_  
 (IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

John M. Genga (SB# 125522)  
 GENGA & ASSOCIATES, P.C.  
 15260 Ventura Boulevard, Suite 1810, Sherman Oaks, California 91403  
 Telephone: (818) 444-4580; Facsimile: (818) 444 4585; jgenga@gengalaw.com

Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

**II. BASIS OF JURISDICTION** (Place an X in one box only.)

- ☐ 1. U.S. Government Plaintiff  
☐ 2. U.S. Government Defendant  
☒ 3. Federal Question (U.S. Government Not a Party)  
☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES**—For Diversity Cases Only  
 (Place an X in one box for plaintiff and one for defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | <b>PTF</b>                 | <b>DEF</b>                 |   | <b>PTF</b>                 | <b>DEF</b>                 |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. ORIGIN** (Place an X in one box only.)

- ☒ 1. Original Proceeding ☐ 2. Removed from State Court ☐ 3. Remanded from Appellate Court ☐ 4. Reinstated or Reopened ☐ 5. Transferred from Another District (Specify) \_\_\_\_\_ ☐ 6. Multi-District Litigation

**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)

**CLASS ACTION under F.R.Cv.P. 23:** ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ 150,000.00

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

COMPLAINT FOR VIOLATION OF COPYRIGHT AND LANHAM ACTS

**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	<b>Habeas Corpus:</b>	<input checked="" type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b>	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	<b>PERSONAL INJURY</b>	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 530 General	<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<b>Other:</b>	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	<b>BANKRUPTCY</b>	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	<b>FEDERAL TAX SUITS</b>
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<b>FORFEITURE/PENALTY</b>	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 441 Voting	<b>LABOR</b>	
<input type="checkbox"/> 896 Arbitration	<b>REAL PROPERTY</b>	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 740 Railway Labor Act	
	<input type="checkbox"/> 230 Rent Lease & Ejectment		<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 751 Family and Medical Leave Act	
			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY:

Case Number:

CV-71 (11/13)

CIVIL COVER SHEET

CV14-1268

Page 1 of 3

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

**VIII. VENUE:** Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A: Was this case removed from state court?	STATE CASE WAS PENDING IN THE COUNTY OF:	INITIAL DIVISION IN CACD IS:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Los Angeles	Western
If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	Eastern

Question B: Is the United States, or one of its agencies or employees, a party to this action?	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
	A PLAINTIFF? Then check the box below for the county in which the majority of DEFENDANTS reside.	A DEFENDANT? Then check the box below for the county in which the majority of PLAINTIFFS reside.	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
	<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western

Question C: Location of plaintiffs, defendants, and claims? (Make only one selection per row)	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## C.1. Is either of the following true? If so, check the one that applies:

- ☐ 2 or more answers in Column C
- ☐ only 1 answer in Column C and no answers in Column D

Your case will initially be assigned to the SOUTHERN DIVISION.  
Enter "Southern" in response to Question D, below.

If none applies, answer question C2 to the right. →

## C.2. Is either of the following true? If so, check the one that applies:

- ☐ 2 or more answers in Column D
- ☐ only 1 answer in Column D and no answers in Column C

Your case will initially be assigned to the EASTERN DIVISION.  
Enter "Eastern" in response to Question D, below.

If none applies, go to the box below. ↓

Your case will initially be assigned to the WESTERN DIVISION.  
Enter "Western" in response to Question D below.

Question D: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: →	WESTERN DIVISION

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEETIX(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

IX(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply)
- ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

## X. SIGNATURE OF ATTORNEY

(OR SELF-REPRESENTED LITIGANT): John M. Genga

DATE: February 18, 2014

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))